

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

MONICA PRESTON
Plaintiff,
v.

Case No.
Honorable:

REDLINE RECOVERY
SERVICES, LLC
Defendant

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. §1367 and 15 U.S.C. § 1692.
2. Venue is proper in this District because the acts and transactions occurred here, Plaintiffs reside here, and Defendant transacts business here.
3. This action arises over calls to a third-party and illegal efforts to use that third-party as a proxy to collect a debt.

PARTIES

4. Plaintiff Monica Preston is a natural person who resides in Montrose, County of Genesee, State of Michigan, and is a “consumer” pursuant to 15 U.S.C. § 1692a (3) because she is allegedly obligated to pay a debt.
5. Defendant Redline Recovery Services, L.L.C. (hereinafter “Defendant”) is a “debt collector” as defined by 15 U.S.C. §1692a (6).

FACTUAL ALLEGATIONS

6. Plaintiff Monica Preston incurred a financial obligation that was primarily for personal, family or household purposes based upon the use of a WAMU credit card which is a “debt” under 15 U.S.C. § 1692a(5).
7. Plaintiff Monica Preston failed to pay the debt and it went into default.

8. Sometime subsequent to the debt going into default, Defendant obtained the defaulted debt and began calling Plaintiff on her cell phone in the months of August and September 2011.
9. Plaintiff never provided the original creditor with the cell phone number on the application for credit and never consented to receiving calls to her cell phone.
10. On information and belief, Defendant used equipment that had the capacity to auto dial when it called Plaintiff.
11. Defendant left prerecorded messages and/or artificial messages on Plaintiffs cell phone when it called.
12. Defendant acted knowingly in calling Plaintiff on her cell phone using equipment that had the capacity to autodial and when leaving prerecorded or artificial voice messages.
13. Defendant acted willfully in calling Plaintiff on her cell phone using equipment that had the capacity to autodial and when leaving prerecorded or artificial voice messages.
14. Plaintiff seeks damages for each and every call to her cell phone, not simply those in which Plaintiff has evidence of receipt.
15. Defendants' calls to Plaintiff were "communications" as they were communications regarding a debt directly or indirectly to Plaintiff, a person, through a telephone as defined by 15 U.S.C. § 1692a(2).

COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 et seq.

16. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
17. Defendant, by using a medium it was not authorized to use, used deceptive means to collect a debt thus violating 15 U.S.C. § 1692e(10).

18. Plaintiff was damaged by the acts of Defendant.
19. Plaintiff seeks statutory damages, costs and reasonable attorney fees as stated below.

COUNT II
VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. § 227

20. Plaintiff incorporates by reference all paragraphs of this Complaint as though fully stated herein.
21. On information and belief, Defendant used an automatic telephone dialing system as defined by 47 USC § 227 (a)(1) when it made each and every call to Plaintiffs cell phone in the last four years.
22. On information and belief, Defendant did not have Plaintiff's prior express permission prior to contacting Plaintiff on her cell phone using an automatic telephone dialing system.
23. Defendant made the calls to Plaintiff willfully.
24. Defendant made the calls to Plaintiff knowingly.
25. Defendant's acts in making the calls to Plaintiff were not accidental.
26. Plaintiff has been damaged by the above acts.

WHEREFORE, Plaintiff prays that judgment be entered against each and every Defendant.

TRIAL BY JURY

27. Plaintiff is entitled to and hereby respectfully demand a trial by jury. US Const. Amend. 7. Fed.R.Civ.P. 38.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that judgment be entered against Defendant:

COUNT I

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692 et seq.**

- for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A) against Defendant and for Plaintiff;
- for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant and for Plaintiff;
- for such other and further relief as may be just and proper.

**COUNT II
VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT
47 U.S.C. §227**

- damages pursuant to 47 U.S.C. § 227 (b)(3)(B) for each and every call in the amount of at least \$500 for each such act that this Court finds were not made willfully or not made knowingly;
- damages pursuant to 47 U.S.C. § 227 (b)(3)(B) for each and every call in the amount of \$1,500 for each such act that this Court finds were made willfully or were made knowingly; and
- such other relief as the Court may deem just and proper.

Respectfully submitted,

Dated: March 8, 2012

/s/ Andrew L. Campbell

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